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**Children & Family Services  
Committee**

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**ESSB 5308**

**Brief Description:** Changing provisions relating to mandatory reporting of child abuse or neglect.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove and Oke).

**Brief Summary of Engrossed Substitute Bill**

- Requires any supervisory personnel of a nonprofit or for-profit entity to report to law enforcement if he or she has reasonable cause to believe that a child has suffered abuse or neglect caused by a person he or she supervises if the alleged perpetrator coaches, trains educates or counsels a child or has regular unsupervised contact with children.

**Hearing Date:** March 17, 2005.

**Staff:** Sonja Hallum (786-7092).

**Background:**

Washington state has a law that requires various persons to report suspected child abuse to authorities. These persons are called "mandatory reporters." Under current law, it is mandatory that certain persons having reasonable cause to believe that a child has suffered abuse or neglect report the incident, or cause the incident to be reported, to the appropriate law enforcement agency or the Department of Social and Health Services (DSHS). There are a number of mandatory reporters listed in the current law.

The reporting requirement also extends to any adult who is able or capable of making a report and who has reasonable cause to believe that a child who resides with them has suffered severe abuse. An individual who is not a mandatory reporter is encouraged by statute to report suspected child abuse to the proper law enforcement agency or the DSHS.

There are certain circumstances under which information may not be disclosed. Washington statutes protect the confidentiality of certain relationships by prohibiting the compelled disclosure of confidences. These relationships include marital, attorney-client, priest-penitent, a parent or guardian of a minor child who is arrested, and certain public officers, peer support counselors and physicians.

Current law allows the reporting of suspected child abuse or neglect under the mandatory reporter requirements without it being a violation of the confidential communications privilege only if the reporter is a member of the clergy or a physician. This law specifically references the privilege arising from the clergy/priest-penitent privilege.

**Summary of Bill:**

A supervisor with a nonprofit or for-profit organization must report to the proper law enforcement agency if the supervisor has reasonable cause to believe that a child has suffered abuse or neglect caused by a person he or she supervises if the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service.

The supervisor is not required to report if he or she obtained the information about the child abuse or neglect solely as a result of a communication that is privileged by statute.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.